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1   RECORD OF ORAL HEARING

2   UNITED STATES PATENT AND TRADEMARK OFFICE

3   _____

4   BEFORE THE BOARD OF PATENT APPEALS
5   AND INTERFERENCES

6   _____

7   *Ex Parte* GLENN J. BOYSKO, WILLIAM HURWOOD,
8   BENJAMIN Z. LI, and ABHIMANYU WARIKOO

9   _____

10   Appeal 2009-006094
11   Application 09/883,300
12   Technology Center 2400

13   _____

14   Oral Hearing Held: November 19, 2009

15   _____

16   Before MAHSHID D. SAADAT, CARLA M. KRIVAK,
17   and CARL W. WHITEHEAD, JR., *Administrative Patent Judges.*

18

19   APPEARANCES:

20   ON BEHALF OF THE APPELLANTS:

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25

26   The above-entitled matter came on for hearing Thursday, November

27   19, 2009, commencing at 9:46 a.m., at the U.S. Patent and Trademark

28   Office, 600 Dulany Street, Alexandria, Virginia, before Deborah Courville, a

29   Notary Public.

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1	P R O C E E D I N G S
2	JUDGE SAADAT: And begin whenever you're ready. Thank you.
3	MR. FARRES: Thank you, Your Honor.
4	First, let me just begin by thanking you for your time today and
5	allowing us to present our -- what we hope are brief arguments to help
6	clarify our position as it relates to the pending rejections.
7	Very briefly, the system that we are claiming relates generally to what
8	we call data mining systems or OLAP, or Online Analytical Processing,
9	engines. And, in short, what they seek to accomplish is to provide a system
10	that allows a user to access data, and slice and dice that data, to achieve, you
11	know, results that are of value and provide insight and information into how,
12	you know, data is being generated or obtained in many different, you know,
13	applications.
14	Just a brief example is if you're the owner of a store and you have
15	sales figures at that store, at regional levels, at a national level, these types of
16	online analytical processing systems allow users to identify how sales are
17	proceeding at any of those levels. But it could be applied in many different
18	contexts and applications.
19	What these claims, in particular, focus on, is the security aspects
20	related to accessing or utilizing theses data mining systems. And what the
21	Inventors in this case have done, is they've implemented a system where the
22	security and access features of the data mining systems are separated from
23	the data mining system itself, and are implemented in what we refer to
24	generally in this claims as a remote repository.

2

1   So the claims as they currently read, and I'm going to focus on Claim

2   1, but the arguments that I make in connection with Claim 1 apply to all the

3   independent claims. I'm just going to very briefly go through the claim

4   language. It's a method for integrating security and user account data in a

5   reporting system with at least one remote repository, comprising the steps of

6   enabling a user to submit user credential input to into a reporting system,

7   identifying an authentication process, forwarding the user credential input to

8   a first server.

9   And then, this last section is where the heart of our argument really

10   lies, and that's the step of enabling the first server to apply the authentication

11   process to authenticate the user against a remote repository, for verifying the

12   user credential input, and to determine user access control data for

13   identifying at least one user privilege for performing one or more actions

14   and at least one user permission associated with one or more objects,

15   wherein the remote repository is located within a second server, the second

16   server being different from the first server.

17   Now I'd like to take that last element there and really parcel it to two

18   main points that we want to bring to the Court's attention, or rather,

19   reinforce. In think the briefing that we've submitted clarifies what our

20   position is, but I would just like to further elaborate on two of those

21   arguments.

22   The first one is the notion that, you know, we have two servers: one

23   that actually interfaces or interacts with the user in connection with the data

24   mining functionality, and then a second server, which is separate from that

1 first server, which engages and performs functionality relating to the security

2 and the access control features of the invented system.

3   Now, one of the things that we did in the claims during prosecution is,

4 as the claims were originally read, it wasn't very clear what this remote

5 repository was, or where it was located, more importantly. We amended the

6 claims to clarify that that remote repository is in a second server, which is

7 different from the first server. And one of the important clarifications we

8 made is that that remote repository is within that second server.

9   The Examiner to date has presented only a 102 rejection based on this

10 Win reference, and one of the distinctions that we noted was that in Win

11 what he refers to as the second server is this registry server 108, which is

12 depicted in Figure 1 of Win. The remote -- or, excuse me, the registry

13 repository 110, which is what the Examiner asserts is our remote repository,

14 in Win, it's coupled to that registry server. We are, on the other hand,

15 requiring expressly in the claims that the remote repository be located within

16 that second server. Now --

17   JUDGE SAADAT: Mr. Farres, I have a question.

18   MR. FARRES: Sure.

19   JUDGE SAADAT: And I think the Examiner also pointed to that

20 issue in the Answer, and it seems like we can't find the exact description, or

21 at least a quite precise description, of what this -- a server means, from your

22 disclosure. Could you help us define it?

23   MR. FARRES: Sure. I think if we turn to -- it's on page 22, I believe,

24 of our specification. Actually, I apologize, it's on page 7 of the

25 specification. We talk about -- and this is the last sentence of the first full

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1   paragraph on page 7. It states, "It should be understood that while data

2   storage devices 108, 108A, 108B, et cetera, are illustrated as a plurality of

3   data storage devices, in some embodiments, the data storage devices may be

4   contained within the single database or another single resource."

5   And it's that last section of that sentence, where we talk about a single

6   resource, that we rely on for purposes of what we mean by within. So we

7   don't have, as Win does, two distinct components, the registry server and

8   then the coupled-to repository. We have it all within one component, i.e.,

9   the server. And so -- and the reasoning for that and the value behind that is

10   from an efficiency standpoint we don't have to have additional interactive

11   functionality between the second server and our remote repository in order

12   to enable communication. It's all part in the -- it's all one system.

13   And we did -- from a disclosure standpoint, however, and I think this

14   is what the Examiner was getting to, we did disclose both, you know,

15   concepts. We did have a separate server that's connected to the remote

16   repository. But as we see in page 7, we do have support for the notion of

17   combining them as a single resource.

18   JUDGE SAADAT: But aren't they referring to databases, rather than

19   servers?

20   MR. FARRES: Right.

21   JUDGE SAADAT: And we -- I believe we also understood the

22   Examiner's position, that the Examiner was maybe suggesting a distributed

23   system. Every component could be anywhere, but they are -- as they're

24   coupled, even though they're in a totally different physical location, but they

25   are considered to be within a server because that's how they're accessed.

1   MR. FARRES: I think that's a possible interpretation, but what the

2 reference teaches is it's coupled to. So there are two distinct components

3 that are connected to each other.

4   JUDGE SAADAT: But there's no other way to reach that repository

5 but that server, so that server is the only way to get to that database, if you

6 will.

7   MR. FARRES: In Win, that's possible. I mean, that's certainly the

8 way we understand Win, is that you have to go through the server, and then

9 the server needs to go to the coupled --

10   JUDGE SAADAT: When you say possible, is there any other option?

11   MR. FARRES: Sure. I mean, you can have it all part of one system.

12 They're not coupled together. They're not two separate components that

13 interact.

14   The way we have it is we have, within the server, we have the

15 functionality of the remote repository, so there's no need for the server to go

16 outside of itself, if you will, to a coupled external component, as Win needs

17 to do. We do it all internally within the server. It's all there. And that's the

18 distinction that we -- by amending the claims, we were trying to emphasize,

19 is that Win has the added inefficiency of having to have a separate

20 communication protocol between that second -- what they call the registry

21 server 108 and the registry repository 110, so --

22   JUDGE SAADAT: We understand that, but in page 7 of the

23 disclosure, it refers to another single resource. It seems like it's mostly

24 limited to databases, rather than within a server.

1   MR. FARRES: Well, what we say in the last part of that sentence is,

2 it says that, "The storage devices may be contained within a single database

3 or another single resource." A single resource is generally the server. So

4 you don't have to have -- and we draw the distinction between a single

5 database and another single -- or another single resource. So from --

6   JUDGE SAADAT: Is this referring to one of the figures of the

7 application?

8   MR. FARRES: I believe so. I think this is Figure 1, Your Honor.

9 And, in fact, in Figure 1, you see that the databases are connected within the

10 functionality of the intelligence server 103.

11   JUDGE SAADAT: Did you point out to this particular part of the

12 disclosure in your Brief or Reply Brief?

13   MR. FARRES: Yes, Your Honor. We have, in the Reply Brief,

14 which is the more -- we do it in both the Appeal and the Reply Brief, but we

15 certainly make reference to it in pages 2 and 3 of the Reply Brief. We make,

16 you know, the argument that within is not the same as coupled to, and --

17   JUDGE SAADAT: But no reference was made to page 7 of the

18 disclosure.

19   MR. FARRES: Not expressed reference. But I mean this is an

20 elaboration of the argument, so I mean it's the same -- it's the argument, and

21 we're just further substantiating it, based on expressed reference to the

22 disclosure.

23   JUDGE SAADAT: Okay. Thank you.

1   MR. FARRES: Okay. And moving on to the next point, Your

2   Honors, that we would like to make is another critical distinction between

3   our claims and the Win reference.

4   Again, focusing on that last enabling step, the second part that I want

5   to focus your attention on, is this notion of determining user access control

6   data. It's important to understand what we mean by that. There're two

7   subcomponents to that determination step. We have to determine user

8   access control data for one, okay, identifying at least one user privilege for

9   performing one or more actions, and then the second subcomponent is, we

10   also need to determine at least one user permission associated with one or

11   more objects.

12   Now, what's important to understand here is what this user access

13   control data is getting to. It's once we go to this remote repository, we're

14   doing it for two things.   We're doing it to identify what the user is able to

15   do, and also, simultaneously, what the particular objects that the user may or

16   may not initiate, what limitations are imposed on those objects. And that's

17   why we have at least one user privilege and at least one user permission.

18   Privileges are associated with the user and permissions are associated with

19   the objects.

20   In short, what we're saying is, we are looking at two different layers to

21   determine what a user, once authenticated, can or cannot do. The Win

22   reference doesn't slice it down to such a granular nuance level. All they do

23   in Win is give the user a set of icons or a list, a menu, if you will, of

24   applications that they can access. It doesn't further -- it doesn't do so,

1 number one, by looking at permissions associated with the object itself, and

2 it doesn't do so by looking at privileges associated with the user.

3   We will concede, however, that it would do one of those two things

4 because, clearly, if you're going to be able to give a user a personalized

5 menu of options that they can initiate, we do concede that there's some layer

6 of personalization or some level of personalization involved. Where it falls,

7 however, is they don't do it at two different levels, at the user level, through

8 privileges or at the permission level through objects. And if I can just very

9 briefly explain and shine some light on what that distinction is, I think it can

10 help the Board come into agreement with our position.

11   A user privilege is essentially, as disclosed in the specification, a list

12 of privileges that are associated with the user. So an individual user may be

13 permitted, for example, to execute or to utilize these different types of

14 applications. They might even be limited to certain functionalities within

15 distinct applications.

16   What the permission is, and we have expressly in the claims,

17 "permission associated with one or more objects," permissions are

18 associated with the objections, and an object would be an application,

19 anything that could be manipulated by this database.

20   So, back to our original example of a store owner. The store owner

21 owns a store in D.C. He might be, as an individual, limited, through

22 privileges, to only use the data mining system to access information on his

23 own store, okay. So, if he goes onto the system, he's only going to be

24 allowed to see what the sales data, the customer data for his own store. So

25 that's a user privilege.

1   A permission associated with one or more objects might be a
2   limitation imposed on any request for sales data. So the object would be: I
3   want sales data. Sales data might be limited to certain types of users. So,
4   for example, if we could say the object of sales data, we're going to limit that
5   only to store owners, okay. So what you have in our system is this more
6   nuanced and more flexible approach to determine who can access what. So,
7   on one level, the D.C. store owner is privileged to access the store data
8   because of who he is, and on a second level, that D.C. store owner can
9   access the sales data because as a store owner he's permitted to access sales
10   data.
11   And that nuanced distinction is not captured in Win. Again, just to
12   reiterate, Win merely teaches a personalized menu that sets forth a list of
13   applications that user can or cannot use. We don't know -- and this is the
14   ultimate, I guess, drawback of Win -- we don't know how it achieves that.
15   And without there being a particularized disclosure on how it gets achieved,
16   we believe our more specific and more nuanced claim language is
17   distinguishable from the disclosure of Win.
18   JUDGE SAADAT: We understand that, but, again, the Examiner
19   pointed to a portion in column 11 of Win that seems to have the two layers
20   you just described. Maybe you can help us to better understand that.
21   Starting from line 46, access menu is taught, that's probably what you were
22   just describing, but it seems like, first, the user is authenticated.
23   MR. FARRES: That's right.
24   JUDGE SAADAT: And then, the user selects from the access menu,
25   the applications or objects that a user is authorized to access according to a

1 user's rules and privileges. So, the Examiner took these to read on the two

2 layers you just described. One is user-related authentication and the other is

3 -- even though the user makes a personalized menu, but still from the items

4 that the user is authorized to use, and that seems to be the permission.

5   MR. FARRES: The one thing I didn't -- and I appreciate your

6 perspective on this part of Win -- the one thing I don't believe is disclosed in

7 Win is the permission side of things, which are associated with what Win

8 refers to as the resources or applications. There's no mention in Win of any

9 kind of permissions that are associated with the individual applications. It's

10 all driven by who the user is, in which case, it's distinguishable because,

11 even conceding the point that Win would presumably therefore teach our

12 claimed privilege, it doesn't teach the permission that's associated with the

13 one or more objects.

14   And just to further expand on my argument, I'm assuming that our

15 object would be the resource of the application in Win. But we don't have

16 any permissions in Win that are associated with the applications or

17 resources. And, as a result of that, they fail to meet the permission

18 limitation.

19   And to go back to my fundamental point, we just don't know from

20 Win, beyond the fact that it's based on who the user is, what else, if

21 anything, is analyzed in determining or assessing whether the user has

22 ultimate access to particular data.

23   JUDGE SAADAT: Thank you.

24   MR. FARRES: That's it, Your Honor. Thank you very much for your

25 time.

11

1   JUDGE SAADAT: Do you have any questions?

2   JUDGE KRIVAK: No questions.

3   JUDGE SAADAT: No? Thank you so much.

4   MR. FARRES: Thank you very much, Your Honors, thank you.

5   JUDGE SAADAT: Have a great day.

6   MR. FARRES: You too.

7   (Whereupon, the proceedings, at 10:06 a.m., were concluded.)